

**FILED**

JUL 16 2012

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY 8/11/12  
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**and**

**PABLO SOTO,**

**Plaintiff-Intervenor,**

**v.**

**BLUE RIDGE RESOURCES, L.L.C.,**

**Defendant.**

**CIVIL ACTION NO.**

**7:10-CV-00117-RAJ**

**CONSENT DECREE**

This Consent Decree is made and entered into between the Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), Plaintiff-Intervenor Pablo Soto ("Intervenor"), and the Defendant, Blue Ridge Resources, L.L.C. (hereinafter collectively referred to as "the parties").

On September 29, 2010, the Equal Employment Opportunity Commission instituted a lawsuit in the United States District Court for the Western District of Texas, Midland/Odessa Division, Civil Action Number 7:10-CV-117-RAJ against Defendant, alleging that the Defendant violated Title VII of the Civil Rights Act of 1964 ("Title VII") when it subjected Bobby Alaniz, Pablo Soto, and Antonio Varela to a hostile work environment because of their national origin (Mexican).

The parties hereto desire to compromise and settle the differences embodied in the aforementioned lawsuit, and intend that the terms and conditions be set forth in this Consent Decree.


NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows, the court finds appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction to enforce the provisions set forth in this Consent Decree.
2. This Consent Decree resolves all issues, including all like and related issues, raised in EEOC Charge Number 453-2009-00266. This Decree further resolves all issues in the Complaint filed by the Commission and the Complaint filed by the Intervenor in this civil action. The Commission does not waive processing or litigating charges or cases other than the above referenced charges and Complaints.
3. Defendant is enjoined from discriminating on the basis of national origin with respect to subjecting employees to a hostile work environment, and from retaliating in any way against any person because of opposition to any practice declared unlawful under Title VII or because of the filing of a charge, giving testimony, or assisting or participating in any manner in any investigation, proceeding or hearing.

4. Defendant agrees to post the English and Spanish Notices appended hereto as Attachment "A" and Adjunto "B" on the employee bulletin board at its office and shop within 10 days after the entry of this Consent Decree. Defendant will report to the EEOC that it has complied with this requirement within 30 days after posting the notice.
5. For each year that this Consent Decree is in effect, Defendant agrees to conduct annual training for all employees of Defendant (including all owners and officers), advising them of the requirements and prohibitions of Title VII of the Civil Rights Act of 1964. The training will inform the employees of the complaint procedure for individuals who believe that they are being discriminated against by Blue Ridge Resources, L.L.C. This annual training will also advise employees of the consequences imposed upon Blue Ridge Resources, L.L.C. for violating Title VII. The training will also include a specific discussion or instruction relating to the issue of national origin harassment, and Blue Ridge's policies regarding the reporting requirements regarding complaints of harassment and the appropriate investigation of national origin harassment claims. Defendant agrees to employ an interpreter for this training for those employees who have limited fluency in English. The training shall be at least two (2) hours in duration. No less than 10 days before the training is conducted, Defendant agrees to give written notice to the EEOC as to the date and location of the training, the name and qualifications of the person providing the training and the substance of the training. All materials used in conjunction with the training shall be forwarded to the EEOC.

3

**Consent Decree**  
**7:10-CV-117-RAJ**



Within 20 days following the training, Defendant shall submit to the EEOC confirmation that the training was conducted, and a list of attendees.

6. Defendant agrees to pay Pablo Soto the gross sum of \$23,000.00 in full and final settlement of the claims asserted in this dispute. \$10,000.00 of this amount represents non-pecuniary compensatory and punitive damages, and \$13,000.00 represents attorney's fees and costs, under Title VII and the Civil Rights Act of 1991 for the claims asserted by the EEOC and Intervenor on behalf of Charging Party Pablo Soto. A regular check in the amount of \$10,000.00 shall be made out to Pablo Soto and mailed to the following address no later than 14 days after the Court's execution of this Consent Decree: 1209 W. Texas Avenue, Midland, Texas 79701. A regular check in the amount of \$13,000.00 shall be made out to The Williams Law Firm, P.C. and mailed to the above address no later than 14 days after the Court's execution of this Consent Decree. A Form 1099 shall be forwarded to Pablo Soto in the ordinary course of business. A Form 1099 shall also be forwarded to Holly B. Williams in the ordinary course of business. Defendant also agrees to pay Bobby Alaniz the gross sum of \$10,000.00 in full and final settlement of the claims asserted in this dispute. This amount represents non-pecuniary compensatory and punitive damages under Title VII and the Civil Rights Act of 1991 for the claims asserted by the EEOC on behalf of Aggrieved Individual Bobby Alaniz. A regular check in the amount of \$10,000.00 shall be made out to Bobby Alaniz and mailed to the following address no later than 14 days after the Court's execution of this Consent Decree: 711 Northeast 4<sup>th</sup> Place,

4

**Consent Decree**  
**7:10-CV-117-RAJ**




Andrews, Texas 79714. A Form 1099 shall be forwarded to Bobby Alaniz in the ordinary course of business. Defendant also agrees to pay Antonio Varela the gross sum of \$10,000.00 in full and final settlement of the claims asserted in this dispute. This amount represents non-pecuniary compensatory and punitive damages under Title VII and the Civil Rights Act of 1991 for the claims asserted by the EEOC on behalf of Aggrieved Individual Antonio Varela. A regular check in the amount of \$10,000.00 shall be made out to Antonio Varela and mailed to the following address no later than 14 days after the Court's execution of this Consent Decree: 1101 Milburn, Apt. F-2, Odessa, Texas 79761. A Form 1099 shall be forwarded to Antonio Varela in the ordinary course of business.

7. Defendant agrees to provide to each hourly employee and each new hire at its facility for the pendency of this Consent Decree a copy of Blue Ridge's "Sexual and Other Types of Harassment" policy.
8. Defendant agrees to provide to each supervisory employee at its facility a copy of Blue Ridge's procedures for reporting and investigating claims of harassment.
9. Defendant agrees to revise its Religion and National Origin Discrimination policy in its Employee Handbook to include a section relating to national origin harassment. This section shall include a prohibition against national origin harassment and an identification of individuals to whom an employee can report a claim of national origin harassment, including but not limited to a human resources official or any management official at Blue Ridge. Within seven (7) days of the entry of this Consent Decree, Defendant will notify, in writing, to each

5

**Consent Decree**  
**7:10-CV-117-RAJ**



employee, the name and direct dial telephone number of the human resources official. Each time that the human resources official changes, Defendant will notify each employee of the replacement human resources official, including name and direct dial telephone number.

10. Defendant agrees to report to the EEOC within 30 days of entry of this Consent Decree regarding its compliance with the arrangements set forth in paragraphs 4, 6, 7, and 8 above. All reports to the EEOC required by this Decree shall be sent to Devika Seth, Senior Trial Attorney, 207 S. Houston Street, 3<sup>rd</sup> Floor, Dallas, Texas 75202.
11. If Defendant fails to tender payment or otherwise fails to timely comply with the terms of paragraph 6 above, Defendant shall:
  - a. Pay interest at the rate calculated pursuant to 26 U.S.C. § 6621(b) on any untimely or unpaid amounts; and
  - b. Bear any additional costs incurred by the EEOC caused by the non-compliance or delay of the Defendant.
12. The parties agree to bear their own costs associated with this action, including attorney's fees.
13. The Commission has the right to specifically enforce the terms of this Decree. Nothing in this Consent Decree can preclude further actions by the EEOC or any other person to remedy any other alleged violations of Title VII by Defendant.

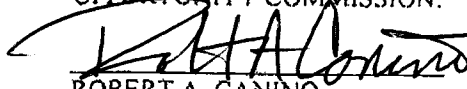
14. The effective date of this Decree shall be the date upon which it is signed for approval by the Court.
15. The term of this Decree shall be for five (5) years from the effective date. The Court shall retain jurisdiction to enforce the terms of this Decree until the expiration of the term of the Consent Decree.

Consent Decree  
7:10-CV-117-RAJ



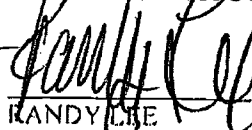
APPROVED AS TO FORM AND CONTENT:

FOR THE PLAINTIFF,  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION:



ROBERT A. CANINO  
REGIONAL ATTORNEY  
Oklahoma State Bar No. 011782

FOR THE DEFENDANT,  
BLUE RIDGE RESOURCES, L.L.C.

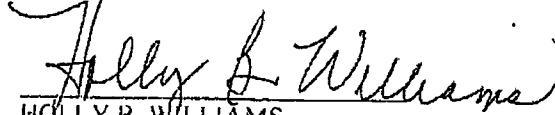


RANDY LEE  
Texas State Bar No. 12074600  
3300 North A Street, Building 2-104  
Midland, Texas 79705

TOBY W. COSTAS  
SUPERVISORY TRIAL ATTORNEY  
Texas State Bar No. 04855720

DEVIKA SETH  
Senior Trial Attorney  
District of Columbia Bar No. 975161

FOR THE INTERVENOR-PLAINTIFF  
PABLO SOTO:



HOLLY B. WILLIAMS  
Texas State Bar No. 00788674  
THE WILLIAMS LAW FIRM, P.C.  
1209 W. Texas Avenue  
Midland, Texas 79701

SO ORDERED, ADJUDGED AND DECREED this 13 day of July, 2012.



THE HONORABLE ROBERT JUNELL  
UNITED STATES DISTRICT JUDGE

Consent Decree  
7:10-CV-117-RAJ



**NOTICE AS REQUIRED UNDER TITLE VII  
OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED**

This NOTICE to all employees of Blue Ridge Resources, L.L.C. is being posted as part of a Consent Decree between Blue Ridge Resources, L.L.C. and the United States Equal Employment Opportunity Commission.

1. Federal Law requires that there be no discrimination against or harassment of any employee or applicant for employment because of that person's national origin, race, color, religion, sex, age or disability with respect to hiring, compensation, promotion, discharge or other terms, conditions or privileges of employment.
2. Blue Ridge Resources, L.L.C. strongly supports and will comply with such Federal Law in all aspects and it will not take any action against employees because they have exercised their rights under the law by filing charges with the United States Equal Employment Opportunity Commission.
3. Blue Ridge Resources, L.L.C. will not tolerate national origin harassment in the workplace. Employees are now put on notice that the first violation of the company's harassment policy will subject an employee found to have violated the policy to disciplinary action.
4. Blue Ridge Resources, L.L.C. agrees to provide a copy of this notice to each current employee and it will report that it has complied with this requirement within 14 days after it has made the distribution. Blue Ridge Resources, L.L.C. also agrees to provide a copy of this notice to all new employees at the time of hire.
5. Employees may report violations of the company's harassment policy to [designated company official/department/telephone number/extension] and/or the Dallas District Office of the United States Equal Employment Opportunity Commission, 207 South Houston Street, Third Floor, Dallas, Texas 75202 (214-253-2700).
6. This NOTICE will remain posted until November 1, 2016, as provided in the Consent Decree.

Attachment "A"

Consent Decree  
7:10-CV-117-RAJ

**AVISO REQUERIDO BAJO EL TÍTULO VII  
DE LA LEY DE DERECHOS CIVILES DE 1964, COMO ENMIENDADA**

Este AVISO para todos los empleados de Blue Ridge Resources, L.L.C. se está publicando como parte de un Acuerdo de Decreto entre Blue Ridge Resources, L.L.C. y la Comisión para la Igualdad de Oportunidad en el Empleo de los Estado Unidos.

1. La ley federal requiere que un empleado o solicitante de empleo no sea discriminado ni acosado por causa su raza, origen nacional, color, religión, sexo, edad, o discapacidad con respecto al empleo, sueldo, promoción, despido, u otros términos, condiciones, o privilegios de empleo.
2. Blue Ridge Resources, L.L.C. rigurosamente apoya y cumplirá con cuya Ley Federal en todo aspecto y no tomará acción contra ningún empleado porque ha ejercido sus derechos bajo la ley y sentado queja con la Comisión para la Igualdad de Oportunidad en el Empleo de los Estado Unidos.
3. Blue Ridge Resources, L.L.C. no tolerará acoso por causa de origen nacional en el lugar de empleo. Empleados quedan notificados que la primer violación de la política de la compañía acerca del acoso resultará en disciplina para el empleado si se encuentra que se ha violado esta política.
4. Blue Ridge Resources, L.L.C. le proveerá una copia de este AVISO a todos los empleados y reportará que ha cumplido con este requisito dentro de catorce (14) días después de la distribución. Blue Ridge Resources, L.L.C. también le dará una copia de este AVISO a todo empleado nuevo cuando reporta al trabajo.
5. Empleados pueden reportar violaciones de la política acerca del acoso a \_\_\_\_\_ y/o al Distrito de Dallas a la oficina de la Comisión para la Igualdad de Oportunidad en el Empleo de los Estado Unidos, 207 South Houston Street, Third Floor, Dallas, TX. 75202 (214-253-2700).
6. Este AVISO se publicará hasta el primero de noviembre, 2016, como proveido en el Acuerdo de Decreto.

Firma del representante de Blue Ridge Resources, L.L.C. \_\_\_\_\_ Fecha \_\_\_\_\_

Adjunto "B"

Consent Decree  
7:10-CV-117-RAJ

